

## PUBLIC PROSECUTOR v RODNEY PETER

Date of Plea: 14 April 2025  
Before: Hon. Chief Justice Vincent Lunabek  
In Attendance: J Tete for the Public Prosecutor  
B Taleo for the Defendant  
Date of Sentence: 17 April 2025

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### SENTENCE

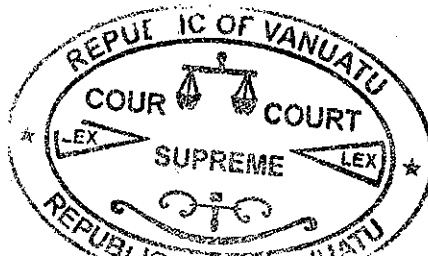
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#### I. Introduction

1. Mr Peter pleaded guilty and accepted the summary of facts relating to one charge of sexual intercourse without consent, contrary to Sections 90 and 91 of the Penal Code [CAP. 135]. The maximum sentence for this offence is life imprisonment. It is a serious offence.

#### II. Facts

2. Mr Peter, you are the victim's step-father. On the 3<sup>rd</sup> of January 2024, the victim's mother was pregnant and had gone to the hospital on that night to give birth. The victim and her little sister stayed at home. The victim was 16 years old at the time of the offending.
3. On the night of the 4<sup>th</sup> of January 2024, the victim and her little sister were at home when you came home very drunk and told the victim to make your bed in the sitting room of the house for you to sleep. While she was making your bed, her little sister came outside from their room and went to the toilet and then returned to their room. In seeing her, you told the victim to go check if her sister had already slept. She went and checked and told you that she had already slept.
4. The victim was walking back to her room, after making your bed when you hold her right hand and told her to go sleep with you which frightened the victim. She stood but you continued to pull her hand and you pulled her to your bed. The victim tried to move out from you but you hold her tightly and told her to keep quiet. You then removed her shirt and touched her breasts. Again, the victim tried to move but you blocked her so she could not move then you removed her bra and then her trousers and pants leaving her naked on the bed. You then hold her breasts and at the same time



touched her vagina all the while telling her to remain quiet and not to move. You then spread her legs and pushed your penis into her vagina and proceeded to have sexual intercourse with her. The victim felt sore but she was afraid to scream and was also afraid of you as you were drunk at that time. After having sex with the victim, you left and went to the toilet and the victim wore her clothes and went outside and she cried until morning. She did not tell anyone else in the house about the incident instead she only told her boyfriend who lives at Stone Hill.

5. The matter came to light when after the victim's mother began replying to your face account on Facebook using the victim's Facebook messages to which you told her about the incident. The victim was later questioned by the aunty and she told them of what you had done to her.

### III. Aggravating and Mitigating factors of the offending

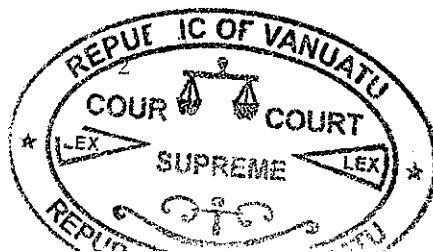
6. There were no mitigating factors to the offending, but the following aggravating factors exist:
  - There is a breach of trust. Mr Peter is the step-father of the complainant girl. She looked upon him for his love, care and protection. This is no longer the case after the offending;
  - there is a differential age between Mr Peter and the complainant at the time of offending which was 24;
  - the offending occurred within the confines of the family home where the complainant was supposed to feel safe;
  - lack of protection used during the sexual intercourse and therefore, exposing the victim girl to sexually transmitted diseases or unwanted pregnancy;
  - there was a degree of planning. Mr Peter has sent the victim girl to check her little sister if she has already slept which she did and told Mr Peter that her little sister had already slept then the offending occurred;
  - the psychological effect on the complainant including the loss of innocence;
  - loss of dignity of the victim girl; and
  - vulnerability of the victim girl given her age at the time the offending occurred.

### IV. Start Point

7. The start point for this offending, as required to be identified by Public Prosecutor v Andy [2011] VUCA 14 and Philip v Public Prosecutor [2020] VUCA 40, is set at 7 years imprisonment based on Public Prosecutor v Scott and Tula [2002] VUCA 29 and Others.

### V. Personal Factors

8. Mr Peter is 42 years of age. He is from Santo Island. He had completed his level of education in Year 10. He lives in a defacto relationship with one Nathalie Hava and they have 4 children. Nathalie Hava is the mother of the complainant girl. Mr Peter has good relationship with his parents, families, chiefs and other community leaders in Luganville.
9. Mr Peter is a first-time offender and he does not have a record of previous conviction. Mr Peter said he had performed a custom compensation ceremony with the complainant and the family.



10. Mr Peter is justifying his offending stating that he was under the influence of alcohol at the time of offending. This is a wrong excuse which cannot assist Mr Peter.
11. For Mr Peter's personal factors, I consider his early guilty plea. I reduce his sentence start point by 33% to reflect on his guilty given at the first opportunity by the Court. I consider Mr Peter's other personal factors and further reduce his sentence start point by 6 months.

VI. End Sentence

12. Taking all of those matters into account, the end sentence that must be imposed is one of 4 years and 2 months imprisonment.
13. Mr Peter was remanded in custody on 12 November 2024 and released on bail on 5 December 2024. Mr Peter had spent a total of 1 month in custody before his sentence which is effectively 2 months.
14. The remaining balance of his sentence is 4 years imprisonment.

VII. Suspension

15. I consider the nature and the circumstances of this case, the character of the defendant as an offender, I decline to suspend that sentence. It is not appropriate to suspend it. The aggravating factors adverted earlier make it plain that suspension would be inappropriate. It would undermine the deterrent effect this sentence is intended to have to ensure no further similar offending occur.

VIII. Other

16. Mr Peter has 14 days to appeal this sentence if he disagrees with it.

DATED at Luganville, Santo, this 17<sup>th</sup> day of April, 2025.

Hon. Chief Justice Vincent Lunabek

